

REMARKS

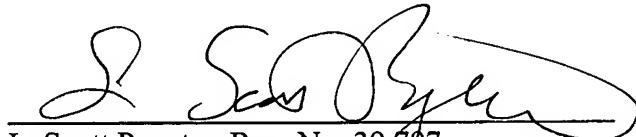
Claims 8-16 and 43-52 stand rejected under 35 USC §103(a) as being unpatentable over U.S. Patent No. 4,047,068 to Ress et al. (hereinafter “Ress”) in view of U.S. Patent No. 3,816,771 to Moir. This rejection has been made final. In the Office Action comments it is stated that the remarks of the prior response “advance that to incorporate the fusion reactor of Moir, as a source of particles for the Moir device is unethical.” (Final Office Action, p. 3, lines 1-2) (emphasis added). The undersigned has reviewed the response with this comment in mind and has been unable to find any discussion regarding ethics. On page 3, line 13, the prior response did use the term antithetical in connection with the nuclear fusion reactor modification of Ress, which may have been misread. This term has an entirely different meaning appropriate to the comment being made. In any event, there was no intention to impute anyone’s ethics.

The Applicant remains convinced that the rejection of all claims should be withdrawn for at least the reasons set forth in the prior response. It is respectfully noted that there still has been no explanation provided as to where many of the features defined in various different claims may be found in the asserted Ress/Moir combination, such as: collimating the charged particles with a pair of coils (claims 9, 44), providing at least a portion of the charged particles collimated with the coils to a magnetic mirror there being no evidence that a magnetic mirror is a “routine choice” (claims 10, 45), separating a first portion of the charged particles from a second portion with the coils (claims 11, 46), the first portion of charged particles being separated into electrons and positively charged particles (claim 12), providing at least a portion of the charged particles to an electrostatic energy converter and providing electricity with the electrostatic energy converter (claim 13), an inertial electrostatic confinement device with an electrode and a stabilizing coil

between the coils (claim 14), flowing electric current through the coils in a direction opposite an electric current flowing through the stabilizing coil (claims 15, 49), generating a hexa-pole magnetic field (claims 16, 50), an inertial electrostatic confinement (IEC) device and generating charged particles with it (claim 43), generating electric power from at least a portion of the charged particles (claim 47), and providing a plurality of inertial electrostatic confinement devices along a magnetic field channel to generate and direct charged particles and/ or receiving at least a portion of these particles with a converter to provide electric power (claim 51).

In view of the forgoing, it is believed that claims 8-16 and 43-52 are in condition for allowance. Given the finality of the rejection, a Notice of Appeal is filed herewith. Reconsideration of the present application is respectfully requested. The Examiner is cordially invited to contact the undersigned by telephone to discuss any unresolved matters.

Respectfully Submitted,



L. Scott Paynter, Reg. No. 39797
Krieg Devault LLP
One Indiana Square, Suite 2800
Indianapolis, Indiana 46204-2079
Phone: (317) 636-4341
Fax: (317) 636-1507